

BEREAVEMENT BENEFIT PROGRAM ORDINANCE

Ordinance # 02-700-03

Section 1. Creation of Little River Band of Ottawa Indians Bereavement Benefit

1.01. *Creation.* A tribally sponsored bereavement benefit for members of the Little River Band of Ottawa Indians is hereby established.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:

- a. the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to "...exercise the inherent powers of the Little River Band by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution ... to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]" *Article IV, Section 7(a)(2).*
- b. the development and provision of adequate services for Tribal members and their families is a critical priority.
- c. the guidelines developed and implemented in July of 2000 are in need of revision to better meet the needs of Tribal members.

Section 2. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This Ordinance is adopted by resolution # 02-0320-04.

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

204. *Effective Date.* This benefit was established by Resolution # 00-0724-01 and interim (retro-active) policies to January 1, 2000 by Resolution # 00-0724-02. This policy is effective as of the date of adoption by resolution # 02-0320-04, and is retro-active to January 1, 2001. This ordinance shall remain in effect until repealed.

Section 3. Definitions

3.01. For purposes of this Ordinance, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.

3.02. *Tribal Member* means

- a. a person who is enrolled as a member of the Little River Band of Ottawa Indians; or
- b. a person who has filed an application for enrollment prior to his or her death which had not yet been finalized and upon finalization he or she would have been an eligible member; or
- c. the deceased child, who was eligible for enrollment.

3.03. *Death Certificate* means a document or certification of a Tribal member's death, which includes miscarriage of an unborn child, signed by a medical doctor or other such certification that may be made by a funeral home.

3.04. *Child* means an infant or other minor, and includes an unborn infant.

Section 4. Amount of Benefit

4.01. *Amount.* The bereavement benefit is established at \$7500.

4.02. *Changing the Amount of Bereavement Benefit.* The Tribe reserves the right to amend the bereavement benefit amount by resolution stating such change without prior notice to the membership. Such amendment to the bereavement benefit amount shall not be retro-active and shall not apply to any existing applications

for disbursement of the benefit.

Section 5. Eligibility

5.01. *General.* All Tribal members are eligible for the bereavement benefit.

5.02. *Un-enrolled Child.* The parent or legal guardian of an un-enrolled child may apply for the bereavement benefit on the child's behalf by presenting an application for enrollment to the Enrollment Office within six months of the child's death. By filing an application, the parent or legal guardian preserves the right to participate in the Bereavement Benefit Program upon a final determination of the Enrollment Commission or any appeals of the enrollment decision.

Section 6. Designation of Beneficiary

6.01. *Filing of Designation Form.* It is the obligation of Tribal members to file a beneficiary form with the Enrollment Office.

6.02. *No Form on File.* In the event that a Tribal member has not filed a beneficiary form, distribution of funds shall be determined by the Tribal Court.